

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 23-CR-67

MICHAEL A. CONNOR,

Defendant.

RECOMMENDATION AND ORDER

On April 11, 2023, a grand jury returned a three-count indictment charging defendant Michael A. Connor with child enticement, in violation of 18 U.S.C. § 2242(b) (count one), attempted use of a minor to create unlawful depictions of sexually explicit conduct, in violation of 18 U.S.C. § 2251(a) (count two), and possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B) & 2252A(b)(2) (count three). (ECF No. 1.)

On October 23, 2023, Connor moved to suppress statements he made to law enforcement on August 18, 2022, and requested an evidentiary hearing to decide the issue. (ECF No. 21 at 2.) Connor also seeks to suppress evidence recovered from a seized cellphone. (*Id.*) On October 30, 2023, the government responded, informing the

court that, with respect to counts one and two, it agrees not to use the disputed statements in its case-in-chief at trial, and that it agrees not to use the cellphone evidence in its case-in-chief at trial. (ECF No. 29 at 2.) Additionally, the government agrees to dismiss count three. (*Id.*) As a result, the government asks the court to recommend that the motion be deemed moot. (*Id.*) Connor is unopposed to the government's proposed recommendation. (ECF No. 31 at 2.) Accordingly, the court will recommend that the motion to suppress be dismissed as moot.

Additionally, Connor's motion to seal the exhibits attached to his motion to suppress (ECF No. 22) fails to comply with Gen. L.R. 79(d). Gen. L.R. 79(d)(2) refers parties seeking to file restricted or sealed documents to ECF Policies and Procedures II.I.2, which directs the movant to file redacted and sealed versions of the same document in a single docket entry after filing a motion to seal, with the movant then filing the redacted version as the main document and the unredacted version as a sealed attachment. In any event, because the court recommends that the underlying motion to suppress be dismissed as moot, the motion to seal will be denied, and the exhibits at issue will be stricken from the record.

IT IS THEREFORE RECOMMENDED that Michael A. Connor's motion to suppress (ECF No. 21) be dismissed as moot.

IT IS THEREFORE ORDERED that Michael A. Connor's motion to seal (ECF No. 22) is **denied**, and the exhibits attached to the motion to suppress (ECF Nos. 21-1, 21-2, 21-3) are stricken from the record.

IT IS FURTHER ORDERED that, in accordance with 28 U.S.C. § 636(b)(1)(B) and (C) and Fed. R. Crim. P. 59(b)(2), any written objection to any recommendation herein or part thereof shall be filed within fourteen days of service of this recommendation or prior to the Final Pretrial Conference, whichever is earlier. Failure to timely object waives a party's right to review.

Dated at Milwaukee, Wisconsin this 6th day of November, 2023.


WILLIAM E. DUFFIN
U.S. Magistrate Judge